

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

City Council Agenda June 26, 2012 7:00 P.M.

Call to Order/Roll Call of Councilmember's **QUORUM (ALL PRESENT)**

Invocation given by David Concepcion, City Clerk

Pledge of Allegiance led by Councilman Jose F. Caragol

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

Presentation by Mr. Wayne Arnold to Mayor Hernandez of a historic portrait that was displayed in Mayor Henry Milanders office from 1958- 1972.

Award of Merit presented to City of Hialeah Take Stock in Children graduates: Humberto Santos, Mary Garcia, Sheila Plana, Crystal Hernandez, Lisabet Vargas, Kevin Castillo, Jorge Calderon, Yaney Arcaya, Hasmary Estevez, Teresa Valentin, Yordan Diaz, Allin Arronte, Bradnon Romero, and Leonardo Alvarado.

1. Announcement of Amendments/Corrections to the Agenda (if any)

- Items S, T and 13 were added to the agenda.**
- Item FD.1 was removed from the agenda.**

2. Consent Agenda –

- A. Report of Scrivener's Error – Resolution 2009-35 approved by City Council, include an additional ARRA award of \$2,343,945 for three additional street projects. (OFFICE OF THE CITY CLERK.) **APPROVED (7-0)****

- B.** Proposed resolution, authorizing the expenditure of funds, in an amount not to exceed \$48,573 from the Law Enforcement Trust Fund - *Federal*, for the purchase of 27 ballistic Level LV IIIA vests, collar and throat vests and related accessories, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0)**
RESOLUTION 2012-86
- C.** Request permission to increase purchase order #2012- 2271, issued to Overland Carriers, Inc., since it is advantageous to the City, for the 72-Unit Elderly Housing Complex Project– for additional fill material needed to complete the project increasing the original scope of work, in the amount of \$15,000, for a total cumulative amount not to exceed \$30,000. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- D.** Request permission to issue a check to Florida Power and Light Company for the relocation of overhead lines that are in conflict with the 9-Unit Elderly Housing Project, for a total amount not to exceed \$53,921. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- E.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to George's Welding Services, Inc., the lowest submitted quote, to install the Grand Staircase for the Milander Auditorium project, for a total amount not to exceed \$28,730. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- F.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Architectural Railings & Grilles, the lowest submitted quote, to install the Stainless Steel Railing for the Grand Staircase for the Milander Auditorium project, for a total amount not to exceed \$68,600. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- G.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Island Fence of Dade, the lowest submitted quote, to replace fence fabric on four softball fields and fence along the south sidewalk, install new outfield fencing, repair existing fencing, install a new rolling gate, relocate existing double gates, at Bucky Dent Softball Complex, for a total amount not to exceed \$69,900. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- H.** Request permission to increase existing purchase order #2012-942, since it is advantageous to the City, issued to Miami Tiresoles to purchase tires and road call service on City vehicles for the Public Works, Fire Department, and Water and Sewer Department, for an additional amount of \$30,000, and total amount not to exceed the amount of \$160,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- I.** Request permission to increase existing purchase orders issued to Mansfield Oil Co. and MacMillan Oil Co. since it is advantageous to the City, to purchase gasoline and diesel fuel, for an additional amount not to exceed \$850,000, for a cumulative total amount not to exceed \$3,250,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

- J.** Request permission to increase existing purchase order #2012-178, issued to Diesel Experts since it is advantageous to the City, to purchase engine parts for the City's heavy equipment, for an additional amount not to exceed \$5,000, for a cumulative total amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- K.** Request permission to increase an existing purchase order #2012-553 issued to Mansfield Oil Co., since it is advantageous to the City, to purchase gasoline and diesel fuel for City vehicles, for an additional amount of \$20,000, and total amount not to exceed the amount of \$107,380. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- L.** Request permission to increase an existing purchase order #2012-939 issued to International Harvester, since it is advantageous to the City, to purchase truck parts and accessories, for an additional amount of \$25,000, and total amount not to exceed the amount of \$85,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- M.** Request permission to increase an existing purchase order #2012-285 issued to Kelly Tractor Company, since it is advantageous to the City, to purchase parts for the City's Caterpillar heavy equipment, for an additional amount not to exceed \$5,000, for a cumulative total amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- N.** Request permission to increase an existing purchase order #2012-201 issued to Barnes Distribution, since it is advantageous to the City, to purchase additional hardware supplies, for an additional amount of \$10,000, and total amount not to exceed the amount of \$35,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- O.** Request permission to increase purchase order # 2012-228 issued to American Battery Company, since it is advantageous to the City, to purchase automotive batteries for City vehicles and trucks, for an additional amount of \$10,000, and a total amount not to exceed the amount of \$50,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- P.** Request permission to increase purchase order # 2012-938 issued to local dealer Wingfoot Commercial Tire Systems, since it is advantageous to the City, to purchase new tires on vehicles for Public Works, Fire Department, and Water and Sewer, for an additional amount of \$30,000, and a total cumulative amount not to exceed the amount of \$160,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- Q.** Request permission to reject Hialeah Bid #2011/12-3210-00-063 Milling and Resurfacing of Palm Avenue from East 47 St to East 49 St, due to the fact that only one bid was received. (STREETS DEPT.) **APPROVED (7-0)**
- R.** Request permission to approve the City of Hialeah Corporate Sponsorship Policy, to aide in maximizing resources available, the City of Hialeah has developed and expanded its Corporate Sponsorship Program. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0)**
- S.** Request permission to award Hialeah bid # 2009/10-3230-00-100 for the Milander Auditorium – Doors & Hardware, and issue a purchase order issued to the sole responsive bidder, Cynamon Bros. & Sons, Inc., for a total amount not to exceed \$105,000. (GRANTS

AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.)
APPROVED (7-0)

- T. Request permission to award Hialeah bid # 2009/10-3230-00-104 for the Milander Auditorium – Insulation, and issue a purchase order issued to the sole responsive bidder, Gee Drywall, for a total amount not to exceed \$79,000. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
3. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to renew a lease agreement between the city, as landlord, and Miami-Dade County, Florida, Department Of Human Services, as tenant, for use of office space consisting of 899 square feet, rooms 103, 104, 105, 106, 109 and 110, at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on November 1, 2011 and ending on October 31, 2012, for an annual amount of \$9,911.40, payable in equal monthly rental payments, in the form as attached hereto as exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.) **APPROVED (7-0) ORDINANCE 2012-33**
4. Second reading and public hearing of proposed ordinance consenting to a sublease or site license agreement between T-Mobile South LLC And Metro PCS Florida LLC to allow Metro PCS Florida LLC to co-locate its wireless communications facility with T-Mobile South LLC on the monopole communications tower located at Babcock Park, 651 East 4 Avenue, Hialeah, Florida, and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to enter into a co-location wireless communications facility lease agreement with Metro PCS Florida LLC, a Delaware limited liability company, a copy of which is attached hereto and made a part hereof as exhibit "1"; for an annual rental fee of \$8,100.00, which represents 50% of the amount of the rent due T-Mobile South LLC, under its lease with Metro PCS; during its initial term and 50% of the amount of the rent due T-Mobile South LLC thereafter plus a \$6,000 consent fee; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0) ORDINANCE 2012-34**
5. Second reading and public hearing of proposed ordinance consenting to a sublease or site license agreement between T-Mobile South LLC And Metro PCS Florida LLC to allow Metro PCS Florida LLC to co-locate its wireless communications facility with T-Mobile South LLC on the monopole communications tower located at O'Quinn Park, 6051 West 2 Avenue, Hialeah, Florida, and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to enter into a co-location wireless communications facility lease agreement with Metro PCS Florida LLC, a Delaware limited liability company, a copy of which is attached hereto and made a part hereof as exhibit "1"; for an annual rental fee of \$8,100.00, which represents 50% of the amount of the rent due T-Mobile South LLC, under its lease with Metro PCS; during its initial term and 50% of the amount of the rent due T-Mobile South LLC thereafter plus a \$6,000 consent fee; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date (OFFICE OF THE CITY CLERK) **APPROVED (7-0) ORDINANCE 2012-35**

6. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning" of the code of ordinances and in particular amending Hialeah Code § 98-497 entitled "Additional Uses" to include pigeon lofts as a permitted additional use in the R-1 One-Family District, and amending Article VI. supplementary district regulations to establish setback, size and other restrictions applicable to pigeon lofts; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-36**
7. Second reading and public hearing of proposed ordinance amending Chapter 10 entitled "Animals" of the code of ordinances and in particular amending Hialeah Code §10-1 entitled "Definitions" defining pigeons as a wild, dangerous or undomesticated animal and creating an exception for racing or pigeons for exhibition and revising Hialeah Code § 10-3 entitled "Exceptions" to allow the keeping of pigeons, establish a limit on the number of pigeons allowed to be kept, and establish minimum maintenance standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-37**
8. Second reading and public hearing of proposed ordinance amending chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 16. C-2 Liberal Retail Commercial District, of the code of ordinances and in particular, revising Hialeah Code § 98-1111 entitled "Permitted Uses" to include pain management clinics as a permitted use and provide regulations including but not limited to distance requirements from pharmacies or similar uses; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-38**
9. Second reading and public hearing of proposed ordinance amending Chapter 58 entitled "Offenses" of the code of ordinances and in particular, Article I. entitled "Prohibited Conduct", by creating a new section §58-74 entitled "Simulated gambling in the conduct of game promotions prohibited" prohibiting the use of casino-style simulated electronic games in the conduct of a game promotion; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2012-39**
10. First reading of proposed ordinance amending Hialeah, Florida, Ordinance 11-37 (June 28, 2011) and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to enter into a first amendment to the lease agreement between the city of Hialeah, as landlord, and City Of Hialeah Education Academy, Inc., a Florida not-for-profit, as tenant, for use of the school facility located at Slade park consisting of 22,870 square feet located at 2590 West 76 Street, Hialeah, Florida, for a period of three years, commencing on July 1, 2011 and ending on June 30, 2014, for an annual amount of \$500.00 for each student enrolled, payable in equal monthly installments, and a usage fee of \$88,580.00 for the first year for city services and park facilities based on student enrollment numbers, with up to 3% annual increase for each of the two successive years, a copy of which is attached hereto and made a part hereof as exhibit "1".;

providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**

11. Proposed resolution providing annual certification of the need and necessity for continuation of transportation service provided by "For-Hire School Vehicles" pursuant to Hialeah Code § 90-68 and by "For-Hire Vans" and authorizing the license division to issue business tax receipts in connection therewith. (LAW DEPT.) **APPROVED (7-0) RESOLUTION 2012-87**
12. Council review of the Order of Suspension issued by the City Council on August 23, 2011 of Occupational License and business tax receipt of Santa Elena Restaurant/LAC of Miami LLC, located at 1366 East 4 Avenue. (BUSINESS TAX RECEIPT DIV.) **APPROVED (7-0)**
13. Proposed resolution of authorizing the Mayor and City Clerk, as attesting witness, on behalf of the City, to enter into a construction agreement and a memorandum of understanding with the state of Florida, Department Of Transportation (FDOT) for painting the median and curb surface over West 49 Street, in the vicinity of the intersection of West 12 Avenue, and maintaining the decorative medians and curbs, a copy of which are attached hereto and made a part hereof as composite exhibit "1". (STREET DEPT.) **APPROVED (7-0) RESOLUTION 2012-88**
14. Board Appointments
15. Unfinished Business
16. New Business-

- A. Discussion about Council recess in the month of July 2012. Next Council meeting is scheduled for August 14, 2012.

Discussion:
Mayor Hernandez encouraged everyone to prepare for hurricane season and advised the City is prepared for any storms.
Mayor Hernandez invited everyone to the Relay for life on Saturday June 30 2012 at noon at Goodlet Park. Mayor thanked the City employees for their dedication, support and all the involvement in raising funds.
Mayor Hernandez advised that Coca Cola, the City of Hialeah, and Telemundo partnered to have an Olympic wrestler practice and participate with our park patrons at the City Parks last weekend.

17. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ.1** First reading of proposed ordinance granting a variance permit to allow a temporary waiver of plat. **Property located at 2455-2495 West 78 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Alejandro Vilarello, ESQ. **APPROVED (7-0)**
- PZ.2** Second reading and public hearing of proposed ordinance granting a variance permit to allow a lot coverage of 38%, where a maximum of 30% is allowed; and allow no side setback, where at least 4 feet are required, and a rear setback of 6.3 feet, where 25 feet are required, contra To Hialeah Code §§ 98-546, 98-547, and § 98-2056(b)(2). **Property located at 1376 West 38 Place, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Suichin Chan **APPROVED (7-0) ORDINANCE 2012-40**
- PZ.3** Second reading and public hearing of proposed ordinance approving a final plat of Titleist Homes Subdivision, accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 4755 East 4 Avenue, Hialeah, Florida** Applicant: Titleist Homes, LLC **APPROVED (7-0) ORDINANCE 2012-41**
- PZ. 4** First reading of proposed ordinance granting a variance permit to allow a single family home on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, a total area of 6,750 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-499. **Property located at 350 West 12 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: L.Michael Osman, ESQ **APPROVED (7-0)**

FINAL DECISION

- ~~**FD.1** Proposed resolution approving the final decision of the planning and zoning board, decision of the planning and zoning board, decision no. 12-06 that granted an adjustment on property located at 520 East 38 Street, Hialeah, Florida, on condition that the concrete pad, terrace adjacent to and the interior partitions in the accessory building be demolished; and providing for an effective date. Applicant: Augustine E. Maiz and Ligia M. **WITHDRAWN**~~

NEXT CITY COUNCIL MEETING: August 14, 2012 AT 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).